

Application No. 09/899,128
Attorney Docket No. AND01 011

REMARKS

This communication is filed in response to the Office Action issued January 5, 2004, having a shortened statutory period for response which expires on April 5, 2004. Please reconsider and withdraw the pending rejections in view of the amendments and remarks presented herein.

Objection to the Drawings

The Examiner objects to Figure 5 as allegedly not having "labels that match the specification." In response, Applicant has amended the specification to expressly disclose the labels appearing in Figure 5. No new matter has been added. In addition, Applicant submits herewith a Proposed Drawing Correction to correspond Figure 5 with the amended specification. The Examiner's review and approval of the Proposed Drawing Correction are respectfully requested.

Objection to the Specification

The specification has been amended to correct specific objections raised by the Examiner. Entry of the amendment and withdrawal of the objections are respectfully requested.

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Anticipation Rejection

Claims 1-5, 8 and 11-18 stand rejected as allegedly anticipated by U.S. Patent No. 5,095,500 to Tayloe et al. ("Tayloe").

In view of the amendments made herein and the remarks that follow, Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection.

Claim 1 has been amended to recite the step of "identifying the gathered location data and the gathered strength data corresponding to the same mobile units". The Examiner states in paragraph 6 of the Office Action that Tayloe does not teach this step. Accordingly, Claim 1 (and those depending therefrom) are not anticipated by Tayloe.

Applicant respectfully submits that independent Claim 17 is patentable over Tayloe for at least the reason that, among others, the reference fails to disclose or suggest:

- time stamping said gathered signal strength data and said gathered geolocation data with reference to a common reference time.
- identifying geolocation data and signal strength data corresponding to a common identified mobile unit and gathered within a predetermined time proximity to identify the geolocation of a mobile unit and the specific signal strength gathered from said mobile unit at said identified geolocation.

Finally, independent Claim 18 is deemed patentable over Tayloe for at least the reason that the reference does not disclose nor suggest the recited element: "a reference

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time generator for time stamping the gathered signal strength data and the gathered geolocation data with reference to a common reference time.”

Reconsideration and withdrawal of this rejection are most respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 6-7, 9-10 and 13 stand rejected as allegedly unpatentable over U.S. Patent No. 6,400,943 to Montoya. Applicant respectfully request reconsideration and withdrawal of this rejection because (i) the references cannot be combined as suggested by the Office and (ii) even if combined the references fail to disclose or suggest each and every claimed element.

Tayloe is directed to a cellular radiotelephone diagnostic system. The reference states that the base station monitors the signal quality of a call and also determines the general bearing of the mobile unit by using timing advance information. At col. 3, lines 50-60, Tayloe alleges that the location of the mobile unit is determined by transmitting a signal from the base station and by measuring its roundtrip propagation time. Thus, in Tayloe's disclosure, the base station determines the approximate location of the mobile unit.

In contrast, Montoya requires the mobile unit to determine its own location and report the information to a location tracker system for storage. See col. 3, line 66 to col.

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4, line 20; see also col. 4, lines 30-31 (mobile unit includes a position analyzer). In Montoya the mobile unit determines its location from a global positioning satellite and reports it to the base station. See col. 2, lines 60-65 and col. 4, lines 58-61.

Modification of Tayloe in view of Montoya would be contrary to the principles of Tayloe which requires that the base station determine the mobile unit's location. For at least this reason, the references cannot be combined.

Moreover, even if the references were combined, they would still fail to disclose each and every element of claim 1. The Examiner points to Montoya for disclosing "identification of the gathered location data and gathered strength data corresponding to the same mobile unit." Office Action, page 6, paragraph 6. The Examiner cites to col. 8 lines 1-5 and 11-17 of Montoya to support this conclusion. A careful review of Montoya, however, contradict this conclusion. The "identifier code" and the "location code" cited by the Office do not disclose the claimed "strength data". Instead, they purport to find whether the mobile unit is at a presumed location. If the mobile is not at the presumed location, then there is no signal and the error log is updated to reflect this finding. The inquiry as to "whether there is a signal" is not the same as "identifying a signal strength at a given location" as is claimed herein.

For these reasons, it is respectfully submitted that the references cannot be combined, and even if combined, the references fail to disclose or suggest each and every claimed element.

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Each of the rejected claims depends, either directly to indirectly, from independent Claim 1, which as explained, is not rendered obvious by a combination of Tayloe and Montoya. For these reasons, reconsideration and withdrawal of the obviousness rejection over Tayloe in view of Montoya are respectfully requested.

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CONCLUSION

Although an extension of time is not deemed necessary at this time to maintain the instant application pending, the Office is requested and hereby authorized to charge any required extension-of-time fees against Deposit Account Number 04-1679 to Duane Morris LLP.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,



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Dated: March 17, 2004

ATTORNEY DOCKET NO. AND01 011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Eric Jensen

Serial No.: 09/899,128

Art Unit: 2684

Filed: July 6, 2001

Examiner: Perez, A.

Title: WIRELESS SYSTEM SIGNAL PROPAGATION COLLECTION AND ANALYSIS

PROPOSED DRAWING CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


In the Office Action mailed January 5, 2004, the Office objected to Figure 5. In response, Applicant submits herewith a proposed drawing correction showing changes to Figure 5 in red ink. It is respectfully submitted that the proposed correction overcomes the rejection. The Examiner is respectfully requested to approve the Proposed Drawing Correction.

Although a fee is not deemed required for consideration of this communication and for maintaining the application pending, the Office is requested and hereby authorized to charge any appropriate fees against deposit account number 04-1679 to Duane Morris LLP.

Respectfully submitted,

Dated: March 17, 2004

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WSH107949.1

EXHIBIT 2

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In re the Patent Application of Eric Jensen

Serial No.: 09/899,128

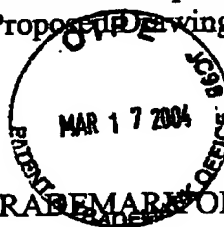
Art Unit: 2684

Filed: July 6, 2001

Examiner: Angelica Perez

Title: WIRELESS SYSTEM SIGNAL PROPAGATION COLLECTION
AND ANALYSIS

Papers enclosed: Two Transmittals, an Amendment in response to the
Office Action dated January 5, 2004; and a Proposed Drawing Correction
for the above-identified Application.



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE